## UNITED STATES DISTRICT COURT EASTERN DISTRICT OF WISCONSIN

DORIAN WILLIAMS,

Petitioner.

٧.

Case No. 06C0215

**GREGORY GRAMS,** 

Respondent.

## ORDER

On February 21, 2006, Dorian Williams filed a petition pursuant to 28 U.S.C. § 2254, asserting that his state court conviction and sentence were imposed in violation of the Constitution. On April 27, 2006, petitioner filed a motion to stay briefing to allow him to exhaust a state claim. On May 31, 2006, I deferred ruling on that motion because I did not have enough information to decide it, informing the parties that I would rule on the motion after they briefed the petition. I granted petitioner until June 30, 2006, to file his brief in support. Thereafter, I issued two margin orders granting petitioner additional time.

On October 16, 2006, when petitioner was again tardy in filing a brief, I wrote petitioner a letter, stating that if petitioner did not file a brief by October 31, 2006, I would dismiss his case with prejudice for lack of prosecution. On November 1, 2006, petitioner requested an additional 30 day extension. Notwithstanding my October 16, 2006, letter, I granted petitioner the additional 30 days, as I found that petitioner's assertion that he had been confined to segregation status and unable to draft a brief showed good cause.

To date, petitioner has still not filed a brief in support of his petition. It has now been nearly one year since petitioner filed his petition, and more than six months since the deadline

passed that was issued in my May 31, 2006, order. I am very hesitant to dismiss a habeas petition for lack of prosecution due to AEDPA's often-harsh restrictions. However, I cannot allow this petition to linger forever. Thus, I will grant petitioner until February 15, 2007, to file a brief in support of his petition, and give one final warning. If petitioner does not file a brief by February 15, 2007, then I will deny his motion to stay and I will dismiss this case with prejudice.

For the reasons stated,

IT IS ORDERED that petitioner shall file his brief on or before February 15, 2007. If he fails to meet this deadline, then this case will be dismissed with prejudice.

Dated at Milwaukee, Wisconsin, this 2 day of January, 2007.

/s\_\_\_\_\_\_LYNN ADELMAN
District Judge